

Serial No. 10/673.027
60130-1894;02MRA0144

REMARKS

Reconsideration and allowance are respectfully requested. Claims 1-17 are currently pending and stand rejected. Applicant has amended claims 1, 3, 6, 7, 10, 12, 14, and 15. No new matter has been added.

Claims 1-4, 6-15 and 17 stand rejected under 35 USC 102(b) as being anticipated by O'Connor (WO 01/36772). O'Connor does not disclose an obstruction detection system that includes an indirect detector that outputs position information of an openable member to a direct detector. The Examiner contends that O'Connor discloses a direct detector and an indirect detector, and therefore the claimed invention is anticipated. Applicant respectfully disagrees.

O'Connor does not disclose the claimed invention. O'Connor discloses an obstacle detection system including a non-contact detection system 14 and a contact detection system 100 that are independent of each other (Figure 9). Either or both of the systems 14 and 100 can be used to determine the location of a closure 12. Position information about the closure 12 is detected and stored in a memory element. The position information is used to recover the window position after power is restored after a power interruption (page 18, lines 5-7). A controller 102 uses the position information to determine if the closure 12 is in the correction position (page 19, lines 28-29 and page 24, lines 14-17). The non-contact system 14 does not output position information about the closure 12 to the contact system 100 as claimed. The claimed invention is not anticipated, and Applicant respectfully requests that the rejection be withdrawn.

Claims 5 and 16 stand rejected under 35 USC 103(a) as being obvious over O'Connor in view of Breed (U.S. Patent No. 6,442, 465). The Examiner admits that Breed does not disclose a light sensor that is a charge coupled device sensor. The Examiner states that Breed discloses a charge coupled device sensor, and it would be obvious to provide a charge coupled device sensor in O'Connor because of Breed. Applicant respectfully disagrees.

The claimed invention is not obvious. Claims 5 and 16 depend on patentable independent claims 1 and 14, respectively, and are allowable for the reasons set forth above. Adding Breed to O'Connor still does not render the claimed invention obvious because neither reference teaches an obstruction detection system that includes an indirect detector that outputs position

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information to a direct detector. Therefore, the combination of the references does not disclose, suggest or teach the claimed invention.

Additionally, one skilled in the art would not consider Breed in modifying O'Connor. Breed is directed to a method and arrangement for recognizing individuals that occupy a passenger compartment and controlling vehicle components based on the recognition of the individuals. Breed is not directed to an obstruction detector for moveable vehicle members. Therefore, there is not motivation or suggestion for one skilled in the art to combine Breed and O'Connor. The claimed invention is not obvious, and Applicant respectfully requests that the rejection be withdrawn.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,



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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, (703) 872-9306, on February 11, 2005.



Amy Spaulding